

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v John Richard Kall**

Docket No. **275680**

L.C. No. **06-009870-01**

Michael J. Talbot, Judge, acting under MCR 7.211(C)(7) and MCR 7.211(E)(2), orders:

The prosecutor's confession of error is accepted and the matter is REVERSED and REMANDED. Defendant's conviction and sentence is reversed because the uncharged offense of felonious assault is not a necessarily included lesser offense of armed robbery. *People v Chambers*, ___ Mich App ___, ___ NW2d ___ (2007); *People v Cornell*, 466 Mich 335; 646 NW2d 127 (2002). Defendant's conviction and sentence for felonious assault, including the order of restitution, are VACATED and the matter is remanded for entry of a judgment of acquittal of the charged offenses.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 17 2007

Date

Sandra Schultz Mengel
Chief Clerk